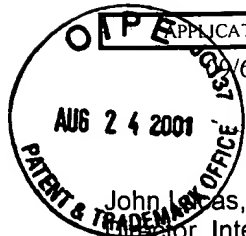




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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
668,558	09/22/2000	Frances Yen	70.US2.REG

John Lucas, Ph.D., J.D.
Director, Intellectual Property
Genset Corporation
10665 Sorrento Valley Rd.
San Diego, CA 92121

CONFIRMATION NO. 5403

FORMALITIES LETTER



OC000000006297279

Date Mailed: 07/16/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

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PART 2 - COPY TO BE RETURNED WITH RESPONSE



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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/668,558
Filing Date	September 22, 2000
First Named Inventor	Frances YEN, et al.
Group Art Unit	70.US2.REG
Examiner Name	Unassigned
Attorney Docket Number	70.US2.REG

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment / Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input checked="" type="checkbox"/> Response to Missing Parts/
Incomplete Application
<input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers
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<input type="checkbox"/> Drawing(s)
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<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input checked="" type="checkbox"/> CD, Number of CD(s) <u>Two (2)</u> | <input type="checkbox"/> After Allowance Communication
to Group
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please
identify below):
Sequence Listing (78 pages) and
the Sequence Submission
Statement |
|---|---|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John Lucas, Ph.D., J.D.	Reg. No. 43,373
Signature		
Date	8/21/01	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: AUG. 21, 2001

Typed or printed name	C. M. McClure		
Signature		Date	8/21/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



In re the Application of:

) Grp./A.U. : 1645

) Examiner : Unassigned

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On January 8, 2001 the Patent Office issued a Notice to File Missing Parts of NonProvisional Application which required the filing of a properly signed Oath or

Declaration and the filing of a paper copy of the sequence listing as a separate part of the disclosure. (See Exhibit A.)

On March 7, 2001 the Applicants filed the Declaration and Power of Attorney forms, along with a copy of the Sequence listing on paper and in computer readable form on CD-ROM. These documents were received by the Patent Office on July 12, 2001.

On July 16, 2001 the U.S Patent Office issued the Notice of Incomplete Reply (NonProvisional) to which the Applicants are responding herewith. (See Exhibit B.) However, there is some confusion as to when the response to this Notice is due, as the second paragraph states: "The period of reply remains as set forth in the Notice. ... A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application." The Applicants are responding within two months from the date of the Notice of Incomplete Reply, since the Notice of Incomplete Reply was issued more than 6 months after the Notice to File Missing Parts issue date of January 8, 2001. Thus, the Applicants do not believe that a Petition for an extension of time is required.

If there are any questions, the examiner is hereby requested to contact the undersigned at (858) 597-2610. Please charge any additional fees, or credit overpayment to Deposit Account No. 50-1181.

Respectfully submitted,

GENSET CORPORATION

Date: 21 Aug, 2001 By: John Lucas
John Lucas, Ph.D., J.D.
Reg. No. 43,373

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Certificate of Mailing

Date of Deposit: August 21, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the Date of Deposit shown above, postage prepaid and in an envelope addressed to the Assistant Commissioner for Patents, Box Non Fee Amendment, Washington, D.C. 20231.

Signature

CM McClure
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